

### SUMMARY OF INTERVIEW

A telephonic interview was conducted on April 2, 2009 and attended by Ardin Marschel, Craig Ricci, and Che Chereskin.

#### Exhibits and/or Demonstrations

none

#### Identification of Claims Discussed

Claim 1

#### Identification of Prior Art Discussed

Johnson (US 6316027)

Ninomiya, et al. (US 5932235)

#### Proposed Amendments

Proposed amendment to claim 1 was faxed to the Examiner in advance. The proposed amendment further limited claim 1 to a preferred embodiment where the composition includes granisetron hydrochloride, D-sorbitol and glycerin in addition to  $\kappa$ - and/or  $\iota$ -carrageenan, locust bean gum, sodium polyacrylate, and water. The claims were further amended as to nature of container.

#### Principal Arguments and Other Matters

The claimed invention differs from the prior art documents in three points:

- 1) The claimed invention emphasizes the importance of a pH of 7 or less.
- 2) The invention teaches to avoid the use of  $\lambda$ -carrageenan.
- 3) The proposed claims are limited to a formulation which includes D-sorbitol and glycerin. Glycerin is not taught by either cited reference and has advantages with regards to defoaming and maintaining good color as argued in the proposed arguments sent to the Examiner in advance of the interview.

Regarding the nature of the container, a similar container is taught by Ninomiya, et al.

#### Results of Interview

Applicant will submit amended claims with a request for continued examination. The Examiner will update search to include glycerin which was not previously searched. The USPTO also suggested including a concentration limitation.